

REMARKS

The application has been amended and is believed to be in condition for allowance.

As an initial matter, the Applicant appreciates with thanks the Examiner taking time to discuss this matter in a telephone interview. The new claims introduced with this paper are believed to be consistent with this discussion.

Amendments to the Disclosure

Claims 21-39 are canceled, without prejudice.

New claims 40-52 claim the invention. Claims 40, 51 and 52 are independent.

In particular, the independent claims each recite a "transmission spectrum" to more clearly recite the claimed invention. The claims are further clarified to recite at least one filter's functional areas having "substantially different transmission spectrum than emission spectra of said light source corresponding to any one of the different modulation values of the modulator". Support is provided in the specification and the drawing figures as originally filed (e.g., page 13, lines 19-27 and Figures 13A-D).

None of the new claims are believed to introduce new matter.

Formal Matters - Section 112, first paragraph

The Official Action rejected claims 21-28 and 37-39 under 35 USC 112, first paragraph as failing to comply with the written description requirement.

In response, claims 21-39 are canceled, as indicated above. It is therefore respectfully submitted that this rejection has been rendered moot.

It is further respectfully submitted that new claims 40-52 avoid the issue raised in this rejection.

Accordingly, withdrawal of the rejection under 35 USC 112, first paragraph is respectfully requested.

Substantive Issues - Section 103

The Official Action rejected claims 21-26, 28, and 37-39 under 35 USC 103(a) as being unpatentable over Maeda (JP Publication No. 1962-1636; "MAEDA") in view of Dreher (U.S. Patent No. 4,551,717; "DREHER").

The Official Action rejected claim 27 under 35 USC 103(a) as being unpatentable over MAEDA and DREHER, and further in view of Okayasu (U.S. Publication No. 2004/0022047; "OKAYASU").

In response, claims 21-39 are canceled, as indicated above. It is therefore respectfully submitted that this rejection has been rendered moot.

Further, new claims 40-52 as presented herein are believed to be patentable over MAEDA, DREHER, and OKAYASU whether

considered individually or in combination. For example, none of the references applied by the Official Action, individually or in combination, teaches or suggests a key including at least two superposed filters wherein at least one filter's functional areas has substantially different transmission spectrum than any one of emission spectra of a light source, as recited by the new independent claims.

Withdrawal of the rejections under Section 103 is thereby respectfully requested.

From the foregoing, it will be apparent that Applicant has fully responded to the February 24, 2011 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicant at the number provided below if the Examiner is of the opinion that further discussion of this case would be helpful in advancing prosecution.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Jeremy G. Mereness/
Jeremy G. Mereness, Reg. No. 63,422
209 Madison Street
Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573

JGM/fb